

REMARKS

Claims 1-3, 6-69, and 71-73 were pending in the application. Claims 10, 13, and 58 have been cancelled. Claim 74 has been added. Claims 1, 14, 15, 17, 26, 33, 34, 40, 46, 49, 52, 53, 66, 69, and 71 have been amended. Claims 1-3, 6-9, 11-12, 14-57, 59-69, and 71-74 are currently pending in the application.

35 U.S.C. § 103 Rejections:

Claims 1-3, 6-13, 16-20, 26-27, 30-31, 46-61 69, and 71-73 were rejected as being unpatentable over Beach, U.S. Patent Application Publication 2001/0055283, in view of Edwards, U.S. Patent Application Publication 2004/0059825. Claims 14-15, 21-25, 28-29, 32-35, 39-45, 62, and 65-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beach in view of Edwards and in further view of Park, U.S. Patent Application Publication 2004/0146158. Claims 36-38 and 63-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beach in view of Edwards and in further view of Campbell, Non-Patent Literature, November 2000. Applicant respectfully traverses these rejections.

The prior art references, taken singly or in combination, fail to teach or suggest all of the elements of the independent claims, while Beach, as interpreted by the Examiner, teaches away from the independent claims. Independent claim 1 recites, in pertinent part:

wherein said data frame encapsulation and decapsulation is performed on a single-purpose hardware of said WLAN chip without executing software-implemented instructions of said driver software, wherein performing said encrypted WLAN communication further comprises obtaining a plurality of data frames intended for said data frame encapsulation from driver software, wherein performing said data frame encapsulation comprises calculating an integrity value appropriate for verifying

integrity of one of the plurality of data frames once said data frame decapsulation is completed; and

wherein performing said encrypted WLAN communication further comprises selecting one of the plurality of data frames for said data frame encapsulation by performing a prioritization algorithm implemented on the single-purpose hardware. (Emphasis added).

Independent claims 46, 69, and 71 recite similar combinations of features.

Beach in view of Edwards fails to teach or suggest the combinations of features recited in the independent claims. In addition to the reasons given in the previous office action response, Beach in view of Edwards further fails to teach or suggest a combination of features that includes those elements highlighted above.

In the office action, the Examiner contends that Beach teaches “wherein performing said data frame encapsulation [wherein said data frame encapsulation on a decapsulation is performed on a single-purpose hardware] comprises calculating an integrity value” in paragraph [0132], and particularly points to Beach’s teaching of a CRC computation. While Applicant disagrees that Beach performs this function as part of data frame encapsulation, Applicant nonetheless notes that this citation of Beach teaches performing a CRC computation by RF port 18. Applicant further notes that Beach teaches the following in paragraphs [0044-0045]:

[0044] Lower Level Functions (preferably to be performed at RF port)

[0045] Cyclic Redundancy Check (CRC) (Emphasis added).

The Examiner further contends that Beach teaches “selecting one of the plurality of data frames ... by performing a prioritization algorithm implemented on the single-purpose hardware,” citing paragraph [0139]:

[0139] The cell controller performs the function of determining which ESS network a mobile unit communicating with an RF port associated with the cell controller is operating on, and thereby controls the direction of communication from the cell controller to the network. The cell controller can verify the multiple levels of security provided in connection with the access by the mobile unit devices, and in addition can prioritize communications so that higher priority communications such as security communications are given greater access to the system during higher traffic conditions. For example, in the three-tier embodiment discussed above, the security network could have a feature to disallow all other network access in an emergency situation. (Emphasis added).

Beach's cell controller and RF port are shown in Fig. 1, and are clearly separate and distinct entities (e.g., see RF ports 18a-18g and cell controllers 14a-14b). Accordingly, the calculation of the CRC and the prioritizing of communications of Beach are performed on separate and distinct entities, while Beach further teaches that it is preferable to perform the CRC calculation on hardware that is separate and distinct from that (the cell controller) which performs the prioritization of communications. Thus, even if one were to accept the Examiner's premise that the disclosure of a CRC calculation is equivalent to Applicant's recited "calculating an integrity value" and the disclosure of prioritizing communications is equivalent to Applicant's recited "performing a prioritization algorithm," Beach would not only fail to teach or suggest all of the elements of the independent claims, but would actually teach away from the independent claims. MPEP 2141.02(VI) clearly states that the prior art must be considered in its entirety, including disclosures that teach away from the claims. **Beach's teaching of performing the prioritization algorithm and the CRC calculation on separate hardware entities (as well as the teaching that it is preferable to perform the CRC calculation at the RF port, which is distinct**

from the cell controller) would lead one away from the claimed combination of features if one accepts the Examiner's argument that these disclosures are equivalent to "performing a prioritization algorithm" and "calculating an integrity value," respectively, as recited in Applicant's independent claims.

Regardless of whether one accepts the Examiner's argument, Beach in view of Edwards still fails to teach or suggest performing "data frame encapsulation and decapsulation ... on a single-purpose hardware ... wherein performing said data frame encapsulation comprises calculating an integrity value ... [and] performing a prioritization algorithm implemented on the single-purpose hardware" as recited in claim 1 and similarly recited in the other independent claims. **Beach fails to provide any teaching or suggestion of a hardware element that performs both "calculating an integrity value" and "performing a prioritization algorithm" as recited in the independent claims.** Furthermore, neither Edwards nor any of the other cited references provide any disclosures that when, taken singly or in any combination, result in the claimed combination of features. Accordingly, the cited references, taken singly or in combination, fail to teach or suggest all of the elements of the independent claims.

For at least the reasons given above, Applicant submits that Beach in view of Edwards (and in further view of the other cited references) fails to teach or suggest all of the limitations of the independent claims. Accordingly, removal of the 35 U.S.C. § 103(a) rejections is respectfully requested.

In addition to the above, Applicant notes that on page 2 of the final office action, the Examiner contends that Beach's embodiment of Fig. 2 is the same architecture as disclosed by the Applicant in the specification and in Fig. 5. Applicant respectfully disagrees, and submits that Beach's Fig. 2 does not provide a sufficient amount of detail to make such a conclusion.

Patentability of the Added Claim:

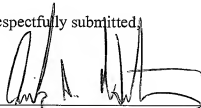
The present amendment adds claim 74. Applicant submits that no new matter has been added, and that claim 74 is fully supported by the Application as filed (e.g., see at least Fig. 5, 550, and page 10, lines 13-28 of the specification). Claim 74 depends ultimately from claim 46, and thus incorporates all the limitations of that claim and the intervening dependent claims. Accordingly, for at least the reasons given above, claim 74 is believed to be in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5800-00601/EAH.

Respectfully submitted,



Erik A. Heter
Reg. No. 30,652
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date:

9/8/08